

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

<i>In re:</i>	*	
	*	
IVONE WEBER	*	BANKRUPTCY NO. 13-14510
	*	
Debtor	*	CHAPTER 13
	*	

IVONE WEBER	*	
	*	
Plaintiff	*	
	*	ADV. PRO NO. 13-1299
vs.	*	
	*	
DEUTSCHE BANK NATIONAL TRUST	*	
COMPANY as TRUSTEE OF THE HOME	*	
EQUITY MORTGAGE LOAN	*	
ASSET-BACKED TRUST, SERIES *	*	
INDS 2006-A c/o OCWEN LOAN	*	
SERVICING, LLC	*	
	*	
Defendant	*	

**ORDER DETERMINING VALIDITY, PRIORITY OR EXTENT OF DEUTSCHE BANK
NATIONAL TRUST COMPANY**

This matter came before the Court on Ivone Weber's (herein, "Plaintiff") Complaint against Deutsche Bank National Trust Company as Trustee of the Home Equity Mortgage Loan Asset-Backed Trust, Series INDS 2006-A (herein, "Defendant") to Determine Validity, Priority or Extent of Lien that arises from Defendant's second Deed of Trust against the Plaintiff's residence, which is held fee simple.

Defendant is in default, not having filed a response to the Complaint; this Court concludes: The Plaintiffs filed a voluntary petition in this Court on October 2, 2013. This Chapter 13 plan was confirmed on January 7, 2014. The Plan provides payment of the Chapter 13 Trustee of \$450.00 per month for 1 month, and \$621.50 for 59 months, for a total of 60 months. The plan proposes to pay the arrears to the first deed of trust in the approximate amount of \$ 20,778.69.

The schedules list Defendant as holding a secured interest, of approximately \$120,000.00, in the Plaintiff's principal residence known as 5505 Seminary Rd, Apt 1919N, Falls Church VA 22041, more particularly described as:

Condominium Unit 1919N in the SKYLINE SQUARE CONDOMINIUM in accordance with the Declaration and Plat attached thereto, duly recorded in Deed Book 5630 at Page 536, et seq., among the Land Records of Fairfax County, Virginia, and further shown in Exhibits attached hereto, all of which are hereinafter referred to collectively as the "Declaration"

The Schedules reflect that 5505 Seminary Rd, Apt 1919N, Falls Church VA 22041 is the Plaintiff's principal residence. The property has been appraised at \$225,000.00. The first deed of trust holder is owed approximately \$ 243,214.31. The amount owed on the first deed of trust substantially exceeds the appraised value of the property.

The present action is brought under § 506, Bankruptcy Code, which has the effect of voiding a lien that it is not a secured claim. Under § 506, Bankruptcy Code, a claim is secured to the extent of the value of the collateral and is otherwise an unsecured claim. The complaint and the summons were timely served on the Defendant.

ADJUGED, ORDERED AND DECREED:

1. Declaring that Defendant does not hold a secured claim for the second deed of trust, and;
2. Unless the bankruptcy case of Plaintiff commenced on October 2, 2013 is hereafter dismissed, the lien of the certain deed of trust from Plaintiff to Defendant, shall be and hereby is declared void as it affects the real estate owned by the Plaintiff, located at 5505 Seminary Rd, Apt 1919N, Falls Church VA 22041.
3. That Defendant shall release its recorded deed of trust against Plaintiff's real property within 30 days of the Plaintiffs' Notice of Completion of Chapter 13 Plan and/or Discharge of Debtor.
4. The Clerk will mail a copy of this Judgment to the parties listed below, and to all necessary parties.

Date: Jan 8 2014

/s/ Robert G. Mayer

Hon. Robert G. Mayer
United States Bankruptcy Judge

Entered on Docket: 1/10/2014 sas

I ask for this:

/s/ Jeremy C. Huang

Jeremy C. Huang, VSB No. 76861
8201 Greensboro Dr., Suite 300
McLean, VA 22102
703-755-0214 / jeremy@huanglawoffice.com

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Jeremy C. Huang
Jeremy C. Huang

PARTIES TO RECEIVE COPIES

Thomas Gorman
Chapter 13 Trustee
300 N. Washington St, Suite 400
Alexandria, VA 22314

Deutsche Bank National Trust Company
c/o Eric Smith
300 South Grande Ave
Los Angeles, CA 90071

Ocwen Loan Servicing, LLC
c/o Ronald Faris
1661 Worthington Rd., # 100
West Palm Beach, FL 33409

END OF ORDER